
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DON ALBERT LANG, §
§
Plaintiff, §
§
versus § CIVIL ACTION NO. 1:10-CV-700
§
STATE OF TEXAS, ET AL, §
§
Defendants. §

**MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, Don Albert Lang, an inmate confined at the Connally Unit in Kennedy, Texas, proceeding *pro se*, filed this civil rights complaint pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed with prejudice subject to reassertion if the requirements of *Heck v. Humphrey* are met.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. Plaintiff, however, did file a Motion to Dismiss pursuant to FED. R. CIV. P. 41(a) as no answer has been filed by defendants in this case. After careful consideration, the court partially adopts the Report and Recommendation of United States Magistrate Judge and grants plaintiff's Motion to Dismiss pursuant to FED. R. CIV. P. 41(a).

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal. In addition, plaintiff's Motion to Dismiss is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation and this memorandum order.

SIGNED at Beaumont, Texas, this 19th day of January, 2011.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE